

(23) (52)

GENERAL AND REVENUE SECRETARIAT.

1905

(Legislative)

File No. 29 of 05-06

Serial Nos. 1-3

Papers Filed.

Q

Month May 1906

SUBJECT.

Amendment of section 1 A of the
Civil Courts Regulation

PREVIOUS REFERENCES.

LATER REFERENCES.

GENERAL AND REVENUE SECRETARIAT.

(*Legislation*)

NOTES.

File No. 29.

FILE HEADING.

*Representative Assembly's proposal
to amend Section 17(A) of the Civil Courts Regulation
of 1883.*

From

The Registrar of the Chief Court of Mysore.

No. $\frac{7374}{378}$

Dated 14.4.06 Received $\frac{16}{25}$ 4.06

Diary No. *2622*

Enclos.

Spare Copies.

Serial No. *2*

BRIEF ABSTRACT OF LETTER.

As regards the amendment of Section 17(A) of the Civil Courts Regulation so as to include cases in which the defendant admits the claim by inserting the words "or by admission of the defendant" between "by agreement of parties" and "the Court shall", states that the Court must have the power to decide whether there has been an admission or agreement and that, as no case of any refund being improperly refused has been brought to the notice of the Chief Court, the judges are of opinion that the amendment suggested is unnecessary.

NOTES AND ORDERS.

Submitted with a draft order recording.

*File
12-5-06*

*K.H.B. CV
3.5.06 3.5.06*

(See)

*Paper
11.5.1888*

Serial
No.

3

Lo

The Registrar of the Chief Court
Meby Commissioner of
Shimoga forwarding
the member concerned.

no of 3172-3 of 14.5.06

Records the above-

1880 A Bro: 1905

164 26274 4.06

Gen. Subject no 14
(Legislative)

7

The Registrar
Chief Court.

Section 17 (A) of the Civil
Courts Regulation of 1888
may be so amended
as to include cases in
which the defendant
admits the claim. This
may be made by inserting
the words "or by admission
of the defendant" between
~~these~~ "by agreement of
parties" and "the court
shall".

Members also represented
that the words in the
~~Reply of Govt.~~
Chief Court Circular giving
discretion to the judges
was strictly construed
by them in favour of
Govt by refusing refunds

Reply of Govt.

The representation
will be communicated

Has the honour to
forward the margin-
ally noted re-
presentation together
with the reply
of Govt. thereto for
the consideration
~~favour~~ of the Chief
Court, ~~and~~ with
a request that
their opinion on
the question
may be sent to
Govt. as soon
as possible.

Ans
4-4-06

and
26.11.11.

Branch III

April 28.3.1900

Secretary

copied 24/4/06.
Examined. J. H. S. 1/5/06.

to the chief Court who
will be asked whether
the condition relating
to discretion may
not be omitted

No. 7374/III / over 1644 /
278 /
16/4/1906

Legis File No 29
Ser. II No 2

J 2622
Bangalore

14th April 1906.

From

V. A. Rajaratna Mudaliar Esquire

Registrar

Chief Court of Mysore.

To.

B. K. Venkatarada Iyengar Esquire

Secretary to the Government of Mysore

General and Revenue Department.

Sir,

Adverting to your docket Number J 2726

dated 4th Instant requesting the opinion of the Chief Court
re general subject No: 14 of the Representative assembly's
Proceedings of 1905 (amendment of Section 17A of the Civil
Courts Regulations), I am directed to state that the Courts
must have the power to decide whether there has been an
admission or agreement. If they have not such power, it
is not suggested who is to decide such questions. No case

of

If any refund being improperly refused has been
brought to the notice of the Chief Court and the judges are
of opinion that the amendment suggested is unnecessary.

I have the honor to be

Sir,

your most obedient servant

W. H. A. St. John
Registrar